IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21565 of 2004

Between:

K.Giri, S/o Narashmamurthy,
Rayadurg Depot, Ananthapur District

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation,

Musheerabad, Hyderabad, rep.by its Vice Chairman &
Managing Director
2 Andhra Pradesh State Road Transport Corporation,

rep.by its Regional Manager, Ananthapur Region,
Ananthapur
3 Andhra Pradesh State Road Transport Corporation,

Rep.by its Depot Manager, Rayadurg Depot,
Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondent in not providing alternative employment to the petitioner is illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently direct the respondents to consider petitioner's case as per Sec.47(1) of the Act 1 of 1995 for providing alternative employment like Booking Clerk, Announcer, Cashier, Traffic Leader or any other suitable job.

Counsel for the Petitioner:MR,KUNCHEAMMAHESWARA RAO

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

(SC FOR APSRTC)

The Court made the following :

W.P.No.21565 of 2004

ORDER:

For not providing alternative employment to the petitioner who sustained multiple fractures in accident, he was disabled to discharge his duties and therefore, he seeks for alternative job as provided under Section 47 (1) of the Act I of 1995. The petitioner made a representation on 14-11-2003 to the Regional Manager, APSRTC to post him as alternative equivalent cadre of post of conductor such as booking clerk due to his disability.

The learned counsel appearing for the petitioner contended that as the petitioner underwent three major surgeries for the fracture sustained by him, he is unable to discharge his duties as conductor and hence, he may be given alternative appointment as provided under Section 47 (1) of the Act 1 of 1995.

The learned standing counsel opposed the same on the ground that the petitioner is not fit for continuation of the job as a conductor.

The fact that while he was conducting the bus, the petitioner sustained fractures in

the year 1997. The Concerned hospital authorities of the respondent corporation examined him and the Doctors opined that the back bone pain will be maximum in sitting posture. Therefore, he was transferred as booking clerk. He was again forced to Conductor at Rayadurg Depot . Because of sustaining of fractures, he was going on sick frequently and as he was unable to discharge his duties as conductor, he filed an application to make alternative appointment as provided under Section 47 (1) of the Act 1 of 1995. The same has to be considered by the respondent corporation.

Therefore, direction is given to the respondent corporation to consider the case of the petitioner in pursuance of the representation dated 14-11-2003 keeping in view of the provisions of Section 47 (1) of the Act 1 of 1995 within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of. In the circumstances of the case, no costs.

25-11-2004. ----------

KCB,J

Note:

C.C. in two days

B/o.

Stp

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Vice Chairman & Managing Director,

Andhra Pradesh State Road Transport Corporation,

Musheerabad, Hyderabad.

2 The Regional Manager, Andhra Pradesh State

Road Transport Corporation,

Ananthapur Region,
Ananthapur

3 The Depot Manager, Rayadurg Depot,

Andhra Pradesh State

Road Transport Corporation,

Rayadurg Depot,
Ananthapur District

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THE HON'BLE MR JUSTICE K.C. BHANU

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Note:C.C. in two days.

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25-11-2004